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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,987	03/07/2002	Jeremy Alan Arnold	ROC920010332US1	8551

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EXAMINER
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TRUONG, CAM Y T

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/092,987

Applicant(s)

ARNOLD ET AL.

Examiner

Cam Y T. Truong

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-23 are pending in this office action.

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5, 6, 9, 10, 16, 22, 23 recite the limitation "the code portion" in page 2, line 21; page 4, lines 14-15; page 3, line 4, line 10, line 13; page 5, line 18, line 21.

There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Oracle, Oracle Enterprise Manager Database Tuning with the Oracle Turning Pack, 2001.

As to claim 1, Oracle teaches the claimed limitations:

“providing an integrated development environment configured to recommend optimizations for source code” as providing an integrated environment to recommend optimizations for source code (Exhibit III, page 11);

“receiving a selected fragment of source code, wherein the source code fragment includes a source code statement that references a results of a structured query language statement (SQL)” as (Exhibit III, pages 1-2);

“retrieving the structured query language (SQL) statement corresponding to the source code statement” as (Exhibit III, pages 1-2);

“presenting a user interacting with intergraded development environment with a recommendation for optimizing the retrieved SQL statement, relative to the source code statement” as (Exhibit III, pages 1-2, lines 1-20).

As to claim 2, Oracle teaches the claimed limitation “wherein the recommendation comprises one of a recommended SQL statement and a textual spoken language recommendation” as (Exhibit III, page 11).

As to claim 3, Oracle teaches the claimed limitation “displaying the recommendation” as (Exhibit III, page 2, lines 16-18).

As to claim 4, Oracle teaches the claimed limitation “displaying the corresponding SQL statement and the recommended SQL statement” as (Exhibit III, page 2, lines 16-18, page 11).

As to claim 5, Oracle teaches the claimed limitation "prior to retrieving the corresponding SQL statement, determining whether the code portion can be modified to be processed more efficiently by substituting the corresponding SQL statement with the recommended SQL statement" as (Exhibit III, page 1-2).

As to claim 6, Oracle teaches the claimed limitation "wherein the recommended SQL statement performs at least one function performed by the code portion" (Exhibit III, page 3).

As to claim 7, Oracle teaches the claimed limitation "prior to generating the recommended SQL statement, retrieving a database type for providing a proper syntax for the recommended SQL statement" as (Exhibit IV, page 1-2).

As to claim 8, Oracle teaches the claimed limitation "wherein the code portion is configured to retrieve independent fields from a database" as (Exhibit IV, page 2).

As to claim 10, Oracle teaches the claimed limitation "wherein retrieving the corresponding SQL statement comprises retrieving the corresponding SQL statement from a prior execution of the code portion" as (Exhibit III, page 1-2).

As to claim 11, Oracle teaches the claimed limitation "retrieving the corresponding SQL statement from a repository of predefined SQL statements" as (Exhibit IV, pages 10-11).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable Oracle in view of Helgeson.

As to claim 9, Oracle and Brown disclose the claimed limitation subject matter in claim 1, except the claimed limitation "wherein the code portion is in Java". Helgeson teaches codes in Java (col. 28, lines 20-25).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Helgeson's teaching of codes in Java to Oracle and Brown's system in order to handle application type objects which can be further manipulated by the application.

7. Claims 12-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oracle in view of Osborn et al (or hereinafter "Osborn") (US 6249791).

As to claim 12, Oracle teaches the same claimed limitation in claim 1, Oracle further teach the claimed limitation “performs an operation for providing programming assistance for an integrated development environment” as (Exhibit III, pages 1-2).

Oracle does not teach the claimed limitation “a computer-readable medium containing a program which, when executed by a processor”.

Osborn teaches a computer readable medium containing a program, which executed by a processor (col. 3, lines 40-67; col. 4, lines 1-10).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Osborn’s teaching of teaches a computer readable medium containing a program which executed by a processor to Oracle’s system in order to allow a user to interact with integrated optimize environment for optimizing SQL statements to improve performance of SQL statements.

As to claims13 and 20, Oracle teaches the claimed limitation “wherein the recommendation comprises one of a recommended SQL statement and a textual spoken language recommendation” as (Exhibit III, page 11).

As to claim 14, Oracle teaches the claimed limitation “displaying the recommendation” as (Exhibit III, page 2, lines 16-18).

As to claims 15 and 21 Oracle teaches the claimed limitation “displaying the corresponding SQL statement and the recommended SQL statement” as (Exhibit III, page 2, lines 16-18, page 11).

As to claims 16 and 22, Oracle teaches the claimed limitation “prior to retrieving the corresponding SQL statement, determining whether the code portion can be modified to be processed more efficiently by substituting the corresponding SQL statement with the recommended SQL statement” as (Exhibit III, page 1-2).

As to claim 17, and 23, Oracle teaches the claimed limitation “wherein the code portion is configured to retrieve independent fields from a database” as (Exhibit IV, page 2).

As to claim 18, Oracle teaches the same claimed limitation as claim 1, Oracle teaches the claimed limitation “containing a programming assistance for an integrated development environment” as (Exhibit III, pages 1-2);

“which, when executing the programming assistance program, performs an operation” as (Exhibit III, pages 1-2).

Oracle does not explicitly teach the claimed limitation “a memory; a processor”

Osborn teaches a computer readable medium containing a program, which executed by a processor (col. 3, lines 40-67; col. 4, lines 1-10).



It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Osborn's teaching of teaches a computer readable medium containing a program which executed by a processor to Oracle's system in order to allow a user to interact with integrated optimize environment for optimizing SQL statements to improve performance of SQL statements.

As to claim 19, Oracle teaches the claimed limitation "a display device and wherein the operation further comprises displaying the recommendation on the display device" as (Exhibit III, page 2).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zilio et al (US 20030088541).

Art Unit: 2162

**Contact Information**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T. Truong whose telephone number is (571) 272-4042. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cam Y T Truong  
Examiner  
Art Unit 2162  
1/5/2005